

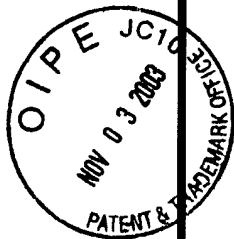
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/622,404	
	Filing Date	July 18, 2003	
	First Named Inventor	Nguyen, Le Tien	
	Art Unit	N/A	
	Examiner Name	N/A	
Total Number of Pages in This Submission	7	Attorney Docket Number	AESN3011

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Statement under 37 CFR 3.73(b) Post Card		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Gerald B. Rosenberg, Esq. Reg. No.: 30,320	
Signature		
Date	10/31/2003	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Gerald B. Rosenberg		
Signature		Date	10/31/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM

Application Number	10/622,404
Filing Date	July 18, 2003
First Named Inventor	Nguyen, Le Tien
Title	SYSTEM AND METHODS OF COOPERATIVELY LOAD-BALANCING CLUSTERED SERVERS
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	AESN3011

I hereby appoint:

☒ Practitioners associated with the Customer Number: 23488

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number: 23488

OR

Firm or Individual Name	Gerald B. Rosenberg, Esq. (Reg. No. 30,320)				
Address	NEWTECHLAW				
Address	285 Hamilton Ave., Suite 520				
City	Palo Alto	State	CA	Zip	94301
Country	United States				
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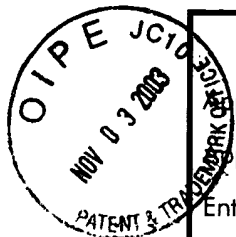
I am the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 C.F.R. § 3.71.
Statement under 37 C.F.R. §3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name	William J. Schroeder		
Signature			
Date	21 OCTOBER 2003	Telephone	408.961.6100



STATEMENT UNDER 37 C.F.R. §3.73(b)

Applicant/Patent Owner: Vormetric, Inc.

Application No./Patent No.: 10/622,404

Filed/Issue Date: July 18, 2003

Entitled: SYSTEM AND METHODS OF COOPERATIVELY LOAD-BALANCING CLUSTERED SERVERS

Vormetric, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. X The assignee of the entire right, title and interest; or
2. An assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is % in the patent application/patent identified above by virtue of either:
 - A. X An assignment from the inventor of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
 1. From: , To:
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
 2. From: , To:
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
 3. From: , To:
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet.

 Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to the Assignment Division in accordance with 37 C.F.R. Part 3, if the assignment is to be recorded in the records of the USPO. See MPEP 302.08]

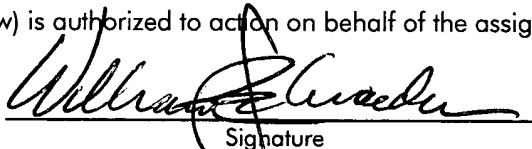
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

21 OCTOBER 2003

Date

408.961.6100

Telephone Number


Signature

William J. Schroeder

Typed or printed name

President & Chief Executive Officer

Title

JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned (hereinafter the "Inventors"),

- | | |
|--------------------|----------------|
| (1) Tien Le Nguyen | (2) Duc Pham |
| (3) Pu Paul Zhang | (4) Peter Tsai |

respectively, have invented certain new and useful improvements in:

SYSTEM AND METHODS OF COOPERATIVELY LOAD-BALANCING CLUSTERED SERVERS

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

1. _____ (1) On _____; (2) On _____;
(3) On _____; (4) On _____;
(5) On _____; (6) On _____;
(dates) respectively;

-- OR --

2. X Said application having SC/Serial Number 10/622,404 and
filed on July 18, 2003.

WHEREAS Vormetric, Inc. (hereinafter the "Assignee"), a corporation of the State of Delware having a place of business at 3131 Jay Street, Santa Clara, State of California wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United

States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee on the date of acknowledgment before the Notary Public as given below.

(1) Tien Le Nguyen
Inventor's Signature: Tien Le Nguyen

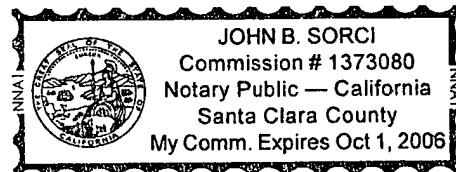
State of Calif.
County of Santa Clara.

On 30 Oct 2003 before me, JOHN B. SORCI
(name and title of officer)

personally appeared TIEN LE NGUYEN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature John B Sorci



(2) Duc Pham
Inventor's Signature: Duc Pham

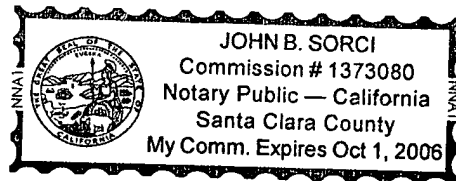
State of California
County of Santa Clara.

On 30 Oct 2003 before me, JOHN B. SORCI
(name and title of officer)

personally appeared DUC PHAM —, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature John B. Sorci



(3) Pu Paul Zhang
Inventor's Signature: Pu Paul Zhang

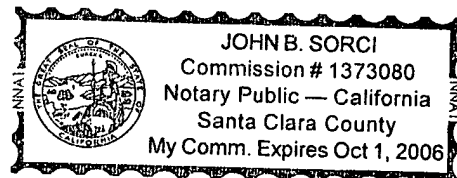
State of Calif.
County of Santa Clara.

On 30 Oct 2003 before me, JOHN B. SORCI
(name and title of officer)

personally appeared PU PAUL ZHANG —, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature John B. Sorci



(4)

Inventor's Signature: Peter Tsai

State of

Calif.

County of

Santa Clara

On 30 Oct 2003 before me, JOHN B. SORCI,

(name and title of officer)

personally appeared PETER TSAI, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

John B Sorci

